

not a citizen of the United States under the naturalization laws of the United States who has resided in Texas for a period of ten years and who shall within thirty days after this act shall take effect make application to become a citizen of the United States and who shall within two years after making such application become a citizen of the United States under the naturalization laws of the United States.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Section 2. All laws and parts of laws in conflict herewith or covering the subject matter hereof are hereby repealed.

Section 3. The fact that there is grave doubt as to whether or not adequate provision has been made for the support and maintenance of the State University and its branches for the years metioned above, together with the fact that the date of the opening of the next session of the University is near at hand, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days, and that this Act take effect from its passage, and such rule is hereby suspended and it is hereby declared that this Act shall take effect from its passage, and it is so enacted.

NINETEENTH DAY.

Senate Chamber,
Austin, Texas,
Thursday, August 30, 1917.

The Senate met at 8:55 o'clock a. m. pursuant to adjournment, and was called to order by the Secretary, John D. McCall.

Senator McNealus requested that the Senate stand at ease subject to the call of the Chair.

There was no objection and it was so ordered by the Chair.

At the expiration of 25 minutes the Senate was called to order by President Pro Tem. Smith.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Henderson.
Bailey.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Caldwell.	McCollum.
Clark.	McNealus.
Dayton.	Page.
Dean.	Parr.
Decherd.	Robbins.
Floyd.	Smith.
Gibson.	Strickland.
Hall.	Suiter.
Harley.	Woodward.

Absent.

Hudspeth.	Westbrook.
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Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator McNealus.

Excused.

Senator Floyd for yesterday on account of sickness on motion of Senator Suiter.

Executive Session.

The Chair, President Pro Tem. Smith, here announced that the hour heretofore designated by the Senate for executive session had arrived, and directed the Sergeant-at-Arms to clear the Chamber of all persons not entitled to remain, which was accordingly done and the Senate proceeded to executive session.

The Secretary reports to the Journal Clerk that the following confirmations were made:

Hon. W. H. Dougherty of Gainesville, Cooke County, to be a member of the Board of Regents of the University of Texas, vice W. G. Love.

Dr. F. L. Robichaux of San Antonio, Texas, as a member of the Board of Managers of the Southwestern Insane Asylum, appointed August 29, 1917, vice Dr. Homer T. Wilson, resigned.

Hon. Curtis Hancock of Dallas

County, Hon. H. C. Odle of Bosque County, Hon. Thomas R. McLean of Titus County, to be members of the State Highway Commission, appointed June 4, 1917.

Hon. Walter F. Timon of Nueces County, to be judge of the criminal court of Nueces, Kleberg, Willacy and Cameron counties, appointed July 7, 1917.

The Senate refused to confirm the nomination of Hon. I. T. Valentine of Tarrant County to be judge of county court for civil cases of Tarrant County, appointed June 25, 1917.

The Senate has refused to consent to the nomination of Dr. A. W. Fly or to appoint him as a member of the Board of Regents of the University of Texas.

In the Senate.

(President Pro Tem. Smith in the chair.)

Announcement.

As Chairman and Secretary, respectively, of the last Senatorial Caucus, we request that the Senators meet in caucus in the Finance Committee Room immediately after the adjournment or conclusion of today's session, to consider Senate organization affairs for a Third Called Session of the Senate of the Thirty-fifth Legislature.

McNEALUS, Chairman.
CALDWELL, Secretary.

RECORD OF PROCEEDINGS of the HIGH COURT OF IMPEACHMENT on the Trial of Hon. James E. Ferguson, Governor.

Consisting of the Senate of the State of Texas, as is Provided by the State Constitution and in Pursuance of a Resolution of the Senate.

Senate Chamber, Austin, Texas.
Thursday, August 30, 1917.

(The Senate convened at 10:30 o'clock a. m., pursuant to recess taken.)

Hon. Lon A. Smith, President Pro Tempore.

The Chair: The reporters will be sworn.

(Thereupon Henry L. Gazley, Geo. E. Bell, Harry P. Bickler and Chas. E. Pickle were duly sworn by the Chair as official court stenographers, to report the impeachment trial, the following oath being administered to them by the Chair, viz:

You, and each of you, do solemnly swear that you will correctly take down in shorthand and correctly transcribe and report all of the proceedings upon the trial of James E. Ferguson, on impeachment, so help you God?)

Senator Bailey: Mr. President, I move that the Chair appoint a committee of three and wait upon the Hon. Nelson Phillips, if he is here, and if not, then upon the Hon. Associate Justice Hawkins, and inform him that the Senate is ready to receive him when he is ready to present himself and swear in the Senate as a high court of impeachment.

The Chair: The gentlemen have heard the motion of the Senator from DeWitt. Those in favor of it will say "Aye"; those opposed, "No." (The motion prevailed.)

The Chair: The Chair will appoint the Senator from DeWitt, the Senator from Ellis, and the Senator from Bexar.

Senator Dayton: Mr. President.

The Chair: The Senator from Cooke.

Senator Dayton: I move you, sir, that we resolve ourselves into a high court of impeachment.

The Chair: The Senator from Cooke moves that we resolve ourselves into a high court of impeachment.

Senator McNealus: Mr. President.

The Chair: Just one minute—does the gentleman yield?

Senator Dayton: Yes, sir.

Senator McNealus: A point of order.

The Chair: State the point of order.

Senator McNealus: The Senate has already resolved itself, by resolution adopted several days ago, and it is in the record, to resolve itself into a high court of impeachment for 10 o'clock this morning, and unless the Senate amends that motion, the gentleman is out of order. The Senate has already passed the resolution, as found in the pages of the Journal.

The Chair: The Chair will state to the Senator from Dallas that the reso-

lution was to resolve ourselves into a High Court of Impeachment for yesterday morning at 10:00 o'clock, but we did not do it. The Chair will hold that we have not resolved ourselves into a High Court of Impeachment.

Senator McNealus: Will the Chair be good enough to refer to the Senate Journal, showing that we have already done so, the resolution adopted by the Senate as printed in the Journal of the Senate shows that the Senate should meet at 10:00 o'clock on Wednesday morning—on yesterday—as a High Court of Impeachment.

The Chair: The Senate Clerk will refer to his Journal.

Senator Bailey: Mr. President.

The Chair: The Senator from De Witt.

Senator Bailey: Mr. President, your committee appointed to notify Chief Justice of the Supreme Court of Texas that the Senate is ready to receive him, desires to report that the Honorable Nelson Phillips is here and your committee desires to present the Honorable Chief Justice to the bar of the Senate.

The Chair: Conduct the Chief Justice to the bar of the Senate.

(Honorable Nelson Phillips thereupon occupied a seat to the right of the Chair.)

Senator McNealus: Mr. President, in calling the attention of the Chair to the Journal, I referred to the Journal of Friday night last, which should have been printed in the Journal of last Friday, the action I refer to was taken on Friday night after the House Committee had reported the charges of impeachment to the Senate.

Senator Dayton: Mr. President, I ask that my motion be put.

Senator McNealus: Mr. President, I appeal to the Journal of the Senate.

The Chair: The Journal Clerk will please produce the Journal referred to. The Secretary will read Rule 1 from the Journal of Friday's proceedings.

(Thereupon, the Secretary read the following rule, to wit:)

"Page 71 of the Journal, Rule 1. At 10 o'clock a. m. on the 29th day of August, A. D. 1917, the Senate shall resolve itself into a Court of Impeachment for the purpose of receiving the appearance or answer, or both, of James E. Ferguson, Governor, against whom articles of impeachment have been preferred."

Senator McNealus: Mr. President, in support of my point of order—the

Senate adopted that unanimously, and the Court met on yesterday morning and deferred formal proceedings until today, because of the absence of the proper judicial authority to administer the oath, and I do not think the Senate Journal ought to be discounted or discredited about that which appears in last Friday's Journal.

Senator Gibson: Will the Senator from Dallas yield?

The Chair: Does the Senator from Dallas yield?

Senator McNealus: I yield.

Senator Gibson: I just want to ask the Senator from Dallas what harm there could be in putting the motion and letting it carry, and letting the Journal so show?

Senator McNealus: The Journal already shows it, is the harm. There is no necessity of one man wanting to pose here as the Senate, if you want to know why.

Senator Gibson: Another question I want to ask, is it not a fact that the Senate did not meet on yesterday as a High Court of Impeachment?

Senator McNealus: It did meet on yesterday and the resolution was adopted, according to the resolution that was adopted on Friday night, and the formality of swearing in the President was all that brought about a postponement of the trial. I do not believe that any one man has the right to offer all the resolutions and rise to all the motions in this Senate, and show his knowledge more than anybody else, and I propose to let the Journal stand for what it says, and the Journal says that the Senate has been resolved into a High Court of Impeachment; and I do not know why anybody should be so highly complimented to have it done over at his personal request—if you want to know, Senator.

The Chair: Any further discussion? The Chair will overrule the point of order submitted by the Senator from Dallas. The Senator from Cooke is recognized.

Senator Dayton: I propose that the motion be now put.

The Chair: The Senator from Cooke moves that the Senate now resolve itself into a Court of Impeachment. Those who favor the motion say "Aye," those opposed, say "No."

(The motion prevailed.)

The Chair: Please let us have

order in the Senate Chamber and in the galleries.

(Thereupon, Chief Justice Nelson Phillips, of the Supreme Court of Texas administered the oath to Honorable Lon A. Smith, President Pro Tempore of the Senate, as follows, to wit:

"Do you solemnly swear that you will impartially try James E. Ferguson, Governor of Texas, upon the impeachment charges presented to you by the House of Representatives, and a true verdict render, according to the law and the evidence, so help you God."

The Chair: The members of the Senate will stand in their respective places while the Chair administers the oath to each member of the Senate.

(The Senators rose at their desks and while standing were administered the oath by the Chair as follows, to wit:)

"You, and each of you, do solemnly swear that you will impartially try James E. Ferguson, Governor of Texas, upon the impeachment charges submitted to you by the House of Representatives, and a true verdict render, according to the law and the evidence, so help you God?"

Senator Gibson: Mr. President.

The Chair: The Senator from Fannin.

Senator Gibson: Wouldn't it be proper at this time that the roll should be called to see if all are present

The Chair: The Secretary will proceed with the roll call.

(Thereupon the Secretary called the roll, and the following Senators answered present:)

Alderdice.	Hopkins.
Bailey.	Johnson of Hall.
Bee.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Caldwell.	McCollum.
Clark.	McNealus.
Dayton.	Page.
Dean.	Parr.
Decherd.	Robbins.
Floyd.	Smith.
Gibson.	Strickland.
Hall.	Suiter.
Harley.	Woodward.
Henderson.	

Absent.

Buchanan of Bell. Westbrook.
Hudspeth.

Senator Buchanan, of Bell: I would like to be sworn.

The Chair: Were you sworn, Senator?

Senator Buchanan: No, sir.

The Chair: The Senator from Bell will stand in his place while the oath is being administered by the Chair.

(Thereupon the Chair administered the oath to the Senator from Bell County.)

Senator Bailey: Mr. President.

The Chair: The Senator from DeWitt.

Senator Bailey: I move that a committee of three be appointed to inform the Board of Managers appointed by the House of Representatives of Texas that the Senate has resolved itself into a High Court of Impeachment and is ready to receive them.

The Chair: Before the motion is put, Senator, the Sergeant-at-Arms will now announce that the Court is ready.

The Sergeant-at-Arms: Oyez! Oyez! Oyez! Oyez! the Senate sitting as a High Court of Impeachment is now in session.

The Chair: The Senator from DeWitt will state his motion again, please.

Senator Bailey: I move that a committee of three be appointed by the Chair to inform the Board of Managers, appointed by the House that the Senate is now organized as a Court of Impeachment, and is ready to receive them at the bar of the Senate under the Articles of Impeachment preferred by the House against Governor James E. Ferguson.

The Chair: You have heard the motion of the Senator from DeWitt. Those in favor of the motion say "Aye," those opposed, "No."

(The motion prevailed.)

The Chair: The Chair will appoint on that committee the Senator from Fannin, the Senator from Bastrop and the Senator from Wood.

Senator Bailey: Mr. President.

The Chair: The Senator from DeWitt.

Senator Bailey: I move that a committee of three be appointed by the Chair to inform Honorable James E. Ferguson and his counsel that the Senate of Texas has resolved itself into a Court of Impeachment, and under the rules adopted as to procedure, is ready to receive him and his counsel at the bar of the Senate, to hear such answers, exceptions and

demurrers as he in person or by his counsel may see fit to offer.

(The motion was put and prevailed.)

The Chair: The Chair will appoint on that committee the Senator from DeWitt, the Senator from Erath, and the Senator from Cooke.

Senator Dayton: Mr. President.

The Chair: The Senator from Cooke.

Senator Dayton: Your committee appointed to notify the Governor and his counsel that we are ready to receive them, have performed their duty, and now ask that they be assigned their places in the impeachment trial, provided for them by the Sergeant-at-Arms of the Senate.

The Chair: The Sergeant-at-Arms will conduct the respondent, the Governor, and his attorneys to their seats to the right of the table facing the President's desk.

(Thereupon Governor James E. Ferguson, accompanied by his counsel, Senator W. A. Hanger, Hon. R. E. Henry, Hon. B. Y. Cummings and Judge Clarence Martin, were conducted to their seats, as indicated by the Chair, by the Sergeant-at-Arms of the Senate.)

Senator Page: Mr. President.

The Chair: The Senator from Bastrop.

Senator Page: We, your committee, appointed to notify the Board of Managers on the part of the House, that the Senate has resolved itself into a High Court of Impeachment, have discharged their duty, and now present the Board of Managers of the House to the bar of the Senate.

The Chair: The Sergeant-at-Arms will conduct the Board of Managers and their counsel to the seats to the left of the table facing the President's desk.

(Thereupon the Board of Managers of the House of Representatives, and their counsel, were conducted by the Sergeant-at-Arms to their seats as indicated by the Chair.)

Senator Woodward: Mr. President.

The Chair: The Senator from Erath.

Senator Woodward: I wish to inform the Chair that I was not present when the oaths were administered, but I was here at roll call.

The Chair: The Chair will state to the Senator from Erath that two or three other Senators were not present when the oath was adminis-

tered, but the oath will be administered to them later.

Senator Bee: Mr. President.

The Chair: The Senator from Bexar.

Senator Bee: The Senator from Erath, I suggest, may be sworn now, as was the Senator from Bell, before we proceed with the trial. We ought to have him sworn; he is present in the Chamber.

The Chair: Are there any other Senators who did not take the oath? The Senator from Anderson and the Senator from Erath. The Senators will come before the bar of the Senate and be sworn.

(Thereupon, Senator Woodward and Senator Strickland presented themselves at the bar of the Senate and the oath, as administered to the other Senators, was administered to them by the Chair.)

The Chair: The court is now ready for the answer of the Governor to be filed.

Senator Bailey: Mr. President.

The Chair: The Senator from DeWitt.

Senator Bailey: I believe that the charges have to be formally read before the pleadings of the defendant are filed. I suggest to the Chair that while they were read on the motion of the Senator from El Paso, in the Senate, they have never been read at the bar of the Senate before the Senate, sitting as a court of impeachment. I take it that this is in the nature of a defendant appearing in the district court to answer to the presentment of a grand jury indictment, and I suggest that proceeding to the Chair.

Mr. Hanger: Mr. President.

The Chair: Mr. Hanger.

Mr. Hanger: An agreement between counsel on either side has been reached, if it meets with the approval of the court, and we have agreed to file the answer of the respondent at this time, and without the formality, unless required by the court, of the reading of the articles of impeachment first, the gentlemen on the other side, and those on this side of the table, presuming that it will be desired to print both the articles and the answer in the Journal. We now ask leave, if permitted by the court, to file with the Secretary the answer—not, of course, asking that it be read at this time, because that would not be proper until the articles of impeachment be read, but we desire, with the permis-

sion of the President and the members of the court, to file the answer at this time.

The Chair: The answer will be filed with the Secretary.

(Thereupon the answer of respondent was filed with the Secretary of the Senate.)

General Crane: Mr. President.

The Chair: General Crane.

General Crane: For the Board of Managers, Mr. Harris and I appear—

Senator Bee: Will counsel permit an interruption

General Crane: Yes, sir.

Senator Bee: I want to say to counsel on both sides that we Senators back here do not hear a word that is being said by them. If they will be kind enough to speak out, so we can hear?

General Crane: Thank you, Senator, we will endeavor to do that, sir. I had stated to the President that an agreement had been reached between counsel on both sides, or was about to state it, and to ask the Court to simply adjourn the further hearing of this matter until next Monday morning.

Mr. Hanger: General, pardon me, enter the appearance of the Respondent, I stand corrected, enter the appearance of the Respondent and adjourn until Monday morning, at which time we will have our witnesses and documents that may be necessary to be offered in evidence, so that we can proceed practically without any interruption, as we hope, until the end of the trial has been reached. As has been suggested by opposing counsel, of course, we have had no authority to have any processes issued until the Court has been organized, and as it has been organized this morning, we could not have any processes now issued within reasonable time so as to reach the witness. I may add also that while the answer of the defendant, of the respondent, contains some demurrers and other matters in the nature of demurrers, that counsel agree with us that it is best to present all of those questions with the evidence to the Court on the final hearing, for their final determination, and not take the time of the Court to argue the demurrers now, as the rules contemplate. In this respect we assume that the rule is not different here from that in the District Courts, that while demurrers may be filed, they

may be passed by agreement in that way.

Senator Page: Mr. President.

The Chair: The Senator from Bastrop.

Senator Page: It occurs to me, Mr. President, that it would be entirely proper for the charges presented by the Board of Managers to be read at this time, and for the answer of the Governor to be read at this time, and then comply with the suggestion of counsel to adjourn until Monday morning. I think that the bill of indictment should be read and the answer should be read at this time. It is very true that the charges have been read in the Senate, but they have not been read to the Senate sitting as a High Court of Impeachment, after having been sworn in, and I say at this time, I suggest that the charges and demurrers be read.

Senator McNealus: Mr. President.

The Chair: The Senator from Dallas.

Senator McNealus: I just want to be a little mean again. I would like to ask the President if it is not a fact that the process was adopted in the first reading of the High Court of Impeachment on yesterday. The President of the Senate, presiding officer at today's session, announced the convening of the High Court of Impeachment on yesterday, and after that the processes to be served in this Court were adopted before that session closed. That was why this morning I raised the point that the Court had already been convened, that the President had so stated, that the processes were adopted, by his consent, with his putting of the motion to the High Court here on yesterday, and that today's Senate Journal will demonstrate and prove that. Still, the President this morning recognized the Senator from Cooke to do over again what had been done before, one done before yesterday and the other yesterday, as announced by the President of the Senate. Those processes were read and adopted and confirmed here, to be sent out by the Sergeant-at-Arms and others, as yesterday's Journal will show. I just want to make this statement in justice to myself, for the reason that the presiding officer ruled against my point of order a moment ago, and ruled in favor of the Senator from Cooke, whose seat in this Senate is already chal-

lenged, and has been since the 9th day of last January.

General Crane: Mr. President, responding to the suggestion of the gentleman from Bastrop, if I may—

The Chair: Does the Senator from Bastrop yield?

Senator Page: Yes, sir, I yield.

General Crane: I say, responding to his suggestion, we thought it best to read the Articles of Impeachment and the answer just before beginning to take the testimony, rather than to read them now. They will be printed in the Journal, and we thought that probably that would be more satisfactory to the members of the Court as we proceed with the proof.

Senator Page: I will state, Mr. President, in answer to General Crane, that that will be perfectly satisfactory, I thought counsel had overlooked that.

General Crane: No, we intended to read them before we began taking testimony, and we proposed to read them just before the beginning of the trial.

Senator Page: That will be perfectly satisfactory.

The Chair: What is your pleasure now?

Senator McNealus: Mr. President, I ask the Chair to rule on my question about this process having been adopted on yesterday.

Senator Lattimore: Will the Senator yield?

Senator McNealus: I yield.

Senator Lattimore: Just this question, Mr. President, I do not think it is at all inappropriate.

The Chair: The Senator will speak louder for the benefit of the Senators.

Senator McNealus: I will say to the Senator from Tarrant, before he asks the question, I am sorry the Journals are not here—I have sent for them, but the printer has not sent them up here; I sent the Sergeant-at-Arms for a copy of the Journal to verify what I have said here today. I am not a very forgetful man, I have a very good memory, and I do not propose that any Senator, or any two Senators shall rule the whole Senate.

Senator Lattimore: Mr. President, I will say to the gentleman from Dallas, in line with his suggestion, I think it is not improper—and, on the contrary, might be very proper—for this Court, sitting as a Court, after having been convened this morning, to adopt and to ratify

the rules and forms and procedure, that the Senate, sitting as a Senate, adopted and recommended. I do not think it would be at all inappropriate for this Court this morning to adopt those rules, Senator. I comply with your suggestion.

Senator McNealus: Mr. President, replying to the gentleman from Tarrant, I never, object to reaffirming anything.

Senator Lattimore: I thought you thought that ought to be done. I rather think—

Senator McNealus: If you say, reaffirm, I am willing to do it; but when you say adopt outright that which you have done already, you cannot do it without rescinding or taking back what the Senate has already done. But it seems that any two Senators can undo without any formality of legislative procedure, and I am going to protest, I don't care how unpopular it makes me, as long as I am in my right, as a Senator, I am going to do it, and I know that I have been ruled against wrongly today. If you wish to reaffirm, I shall enter no objection. Reaffirming is one thing, and adopting is another.

Senator Lattimore: Mr. President.

The Chair: The Senator from Tarrant.

Senator Lattimore: Mr. President, I rather think the Chair, if the Chair does not think it improper, and as a member of this Court, I wish to make a motion that the Court now affirm and adopt—if the gentleman from Dallas prefers the language, I will put both in—that we adopt and reaffirm the rules of procedure that were adopted and recommended by the Senate for the conduct of the affairs of this Court.

The Chair: You have heard the motion of the Senator from Tarrant, that the Court now do reaffirm and adopt the rules of procedure governing this Court during this trial. Those who favor the motion will say "Aye," those opposed, "No."

(The motion prevailed.)

The Chair: The Secretary will read the rules of procedure.

Senator Caldwell: Mr. President.

The Chair: The Senator from Travis.

Senator Caldwell: I move that the reading of the rules be dispensed with.

The Chair: I think that is unnecessary, a motion of that kind.

Senator Bailey: Mr. President.

The Chair: The Senator from DeWitt.

Senator Bailey: I don't know whether it is necessary to make a motion, but as a matter of precaution I move that the exceptions, demurrers, pleas and answer filed with the Secretary by the respondent and his counsel be printed in the Senate Journal. I don't know whether it can be done without a motion or not. It ought to be done, and I move that it be done.

The Chair: You have heard the motion from the Senator from DeWitt. Those in favor of the motion say "Aye"; those opposed, "No."

(The motion carried.)

Senator Lattimore: Mr. President.

The Chair: The Senator from Tarrant.

Senator Lattimore: I move that this court recess until Monday.

Senator Caldwell: Mr. President.

The Chair: The Senator from Travis.

Senator Caldwell: I desire to make an inquiry. I would like to know if the board of managers on the part of the House, and the respondent have ever made an announcement of ready for trial in the case. I heard the suggestion a moment ago that the demurrers would be determined by the Court after the evidence was in. As I understand the rules we have adopted, they provide that the demurrers shall be argued, and decided by the Court before the evidence begins. If it is the pleasure of the Court to determine them after the evidence is in, I suggest that we will have to amend the rules. I have no objection to the procedure, whichever way it is. Rule 6, which we have just adopted, provides that the demurrers shall be heard and argued and determined by the Court before the evidence begins, and I suggest that the Rules Committee had better prepare an amendment to be followed.

Senator Clark: Mr. President.

The Chair: The Senator from Fayette.

Senator Clark: I move that the charges also be printed in the Journal, along with the demurrers, so we can have them in the same Journal.

The Chair: The Chair will state that the charges have already been printed in the Journal.

Senator Clark: No, they have been printed in the House Journal.

The Chair: The Secretary in-

forms me that they have been printed in the Senate Journal, under date of August 24.

General Crane: Mr. President, responding to the Senator from Travis, I see I failed to make myself understood. I had intended to state that we would ask that the Court adjourn until next Monday morning, at which time we would proceed with the testimony. That was not in terms an announcement of ready for trial, but it was so intended, and I understand also that I am speaking for the Respondent's counsel in stating we will both be ready to proceed on Monday morning.

Mr. Hanger: That is true.

Senator Caldwell: Mr. President.

General Crane: Pardon me one moment. As to the question of arguing the demurrers now, I remind the Senator from Travis that the court rules are just as imperative as the ones this Court has adopted—that is, that all demurrers must be disposed of, or should be disposed of, before the case should be tried on the merits; and yet trial lawyers know that it frequently happens that by agreement of counsel on both sides, we submit the demurrers and the entire case together for the disposition of the Court. That is what we ask to have done at this time, because we do not want to take up time arguing demurrers when the same questions arise on the facts. It is further suggested by opposing counsel that the same questions raised by the demurrers are also raised by the pleas and answers to the articles of impeachment which are filed on the merits.

Senator Bee: Mr. President.

The Chair: The Senator from Bexar.

Senator Bee: I want to ask counsel, do I understand we are to dispose of the demurrers prior to the evidence, upon the separate articles, is that the understanding?

General Crane: No, no, we don't care about that. I think I am not misstating it—I am only talking for myself now, however, and not for opposing counsel—in stating that the demurrers that are presented could not dispose of all the questions in the case. The demurrers reach only one or two or three of the proposed articles. The rest would remain to be tried, and the facts presented on those articles could be dis-

posed of as it might suit the Court. But I would think that a vote as to whether or not the testimony sustained the charges, and then as to whether it was impeachable matter, would certainly dispose of the demurrers as well as the merits of the question.

Senator Bee: Now, will counsel permit this further question?

General Crane: Certainly.

Senator Bee: As I understand it, you merely submit the demurrers with the evidence?

General Crane: That, I understand, is opposing counsel's desire.

Senator Bee: Then, after the evidence and the demurrers are submitted and the argument of counsel had, do the counsel on both sides intend or suggest that the Senate shall vote separately upon the demurrers before voting upon the articles?

General Crane: No, sir, we intended to submit that to the Court and let them dispose of it as their wisdom may suggest. But my opinion is that a separate vote would not be necessary.

Senator Bee: Then there is not involved in this agreement between counsel, any suggestion as to how that vote shall be taken?

General Crane: No, sir, we would not seek to commit the Court on a question of that kind. It was only a matter of convenience to counsel, leaving the Court entirely free to dispose of the questions as they deem best.

Senator Lattimore: Mr. President.

The Chair: The Senator from Tarrant.

Senator Lattimore: Recognizing the reasonableness of the request of counsel, and there being nothing further before the Court at this time, I move that the Court recess until Monday morning at 10 o'clock.

The Chair: You have heard the motion of the Senator from Tarrant, that the Court, as such, recess until next Monday morning at 10 o'clock. Those who favor the motion will say "Aye," those opposed will say "No."

The motion is carried. This Court is recessed until Monday morning at 10 o'clock.

(Thereupon, at 11:10 a. m. the Court of Impeachment recessed, until Monday morning, September 3, 1917, at 10 o'clock.)

In the Senate.

President Pro Tem. Smith in the Chair.

At Ease.

At the request of Senator Lattimore the Chair announced that the Senate would be at ease for a few moments.

In the Senate.

President Pro Tem. Smith in the Chair.

Simple Resolution No. 46.

(Relating to the Pink Boll Worm.)

Whereas, The United States is practically the only cotton growing country not now infested with the destructive cotton pest, the pink boll worm; and

Whereas, The Congress of the United States has appropriated a liberal sum for the investigation of this dangerous enemy to the cotton industry, and to ascertain the prevalence of the worm in Mexico; and is proposing a very large appropriation to be used in a united effort to prevent the introduction of the boll worm into Texas, and other cotton growing states of the Union; therefore, be it

Resolved, That the Legislature of Texas pledges the active co-operation of this State to the Federal government in a united effort to prevent the pink boll worm from being brought into the United States through Texas, and will enact such legislation to that end as may appear essential;

Resolved, That a copy of this resolution be sent the members of the Texas delegation in Congress.

BEE.

The resolution was read and adopted.

Bills Signed.

The Chair, President Pro Tem. Smith, gave notice of signing, and did sign in the presence of the Senate, after their captions had been read, the following bills:

H. C. R. No. 6, providing for a joint committee from the House and Senate to receive Hon. J. T. Heflin.

H. B. No. 13, A bill to be entitled

"An Act creating the Johnstown Independent School District of Red River; defining its metes and bounds; vesting it with rights, powers, duties and privileges of districts incorporated for school purposes only under the general laws; providing that all outstanding bonded indebtedness of Johnston Common School District No. 34 of Red River County shall be validated and made a valid obligation against the Johnstown Independent School District of Red River County; providing for a board of trustees thereof, and providing for an emergency."

H. B. No. 15, A bill to be entitled "An Act to amend Chapter 37, Acts of the Thirty-fifth Legislature, First Called Session, entitled 'An Act creating Smyrna Common School District No. 43, of Milam County, Texas; providing a board of trustees therefor; providing that said common school district and the board of trustees thereof shall have and enjoy all the rights, powers, privileges and duties imposed and conferred by the general statutes of Texas upon common school districts in this State; and providing that the boundary lines of said district may be changed only by an Act of the State Legislature of Texas, and declaring an emergency."

H. B. No. 16, A bill to be entitled "An Act creating the Bridgeport Independent School District of Wise County, Texas, defining its metes and bounds; providing for a board of trustees therefor; vesting it with rights and duties of districts incorporated for school purposes only under the general laws; and providing for the maintenance of a primary school at what is known as West Bridgeport, and declaring an emergency."

H. B. No. 18, A bill to be entitled "An Act incorporating and creating the Renner Independent School District of Dallas and Collin Counties, Texas, for free school purposes only, defining its boundaries, and providing for the election of a board of trustees for the raising of revenue by taxation, issuing of bonds for raising money for building purposes, and maintaining public free schools therein, vesting the property included within this Act in said Renner Independent School District, and vesting said district and the board of trustees thereof, with all the rights, powers, privileges and duties conferred and imposed by gen-

eral laws upon independent school districts and the board of trustees thereof, formed by the incorporation of towns and villages for free school purposes only under the general law, declaring valid a maintenance tax theretofore voted, and declaring an emergency."

Simple Resolution No. 47.

Be it resolved, That the Sergeant-at-Arms be instructed to arrange the seats in the Senate Chamber during the impeachment trial so that the spectators will not interfere with the Senators, and that the Sergeant-at-Arms be further instructed to see that no persons occupy the seats of the Senators during their temporary vacancy.

HENDERSON.

The resolution was read, and Senator Hopkins made the point of order that the resolution providing for arrangement of seats for spectators on the floor of the Senate is in violation of the rules of the Senate.

Pending.

Recess.

At 11:40 o'clock a. m. Senator Clark moved that the Senate recess until 2 o'clock today.

The motion prevailed.

After Recess.

(Afternoon Session.)

The Senate was called to order by President Pro Tem. Smith.

Simple Resolution No. 47.

(Pending.)

The Chair laid before the Senate, as pending business,

Simple Resolution No. 47, relating to arrangement of seats.

On motion of Senator Henderson, the resolution was laid on the table subject to call.

President Pro Tem.—Election Of.

Here Senator Suiter secured recognition and placed in nomination.

for President Pro Tem. for the vacation term of the Senate, Senator J. C. McNealus.

The nomination was seconded by Senators Lattimore, Strickland and Henderson.

Senator McNealus made a statement that he would not be willing to accept the position and did not desire to have his name submitted for the office.

Senator McNealus placed in nomination Senator Robbins.

There being no other nominations the Chair declared nominations closed.

Senators Henderson, Buchanan of Bell and Decherd were appointed as tellers.

The ballot resulted as follows:

Senator Robbins received 1 vote.

Senator McNealus received 24 votes, being a majority of all votes cast and was declared to be duly and constitutionally elected President Pro Tempore of the Senate for the interim between the Second Called Session of the Thirty-fifth Legislature and the reconvening of another session.

Senators Alderdice, Bailey and Lattimore were appointed as a committee to escort Senator McNealus to the President's stand, whereupon he took the constitutional oath of office administered by the Secretary of the Senate, John D. McCall.

Being presented to the Senate by the Chair, Senator McNealus called Senator Robbins to the chair, who presided.

Notification Committees.

Senator Lattimore moved that a committee of three each be appointed to notify the Governor and the House of Representatives that the Senate was ready to adjourn.

The motion was adopted and the Chair appointed the following committees:

To notify the Governor: Senators Lattimore, Page and Strickland.

To notify the House: Senators Caldwell, Suiter and Decherd.

House Notifies the Senate.

Here a committee from the House appeared at the bar of the Senate and notified the Senate that the House had completed its labors and was ready to adjourn.

The Senate received the message and thanked the committee.

Senate Notifies the Governor.

Here the committee to notify the Governor of the adjournment hour of the Senate reported that they had performed their duty and that the Governor extends his thanks to this body and expresses the hope that he may see all Senators present at the convening of the Third Called Session of the Legislature tomorrow.

Senate Notifies the House.

The committee appointed to notify the House, here made report that their duty had been performed.

Sine Die Adjournment.

Senator Lattimore at 3 o'clock p. m. moved that this the Second Called Session of the Thirty-fifth Legislature do now adjourn sine die.

The motion prevailed, and the Chair, President Pro Tempore McNealus, by virtue of the authority vested in him by the Constitution and as President Pro Tem. of the Senate, declared this Second Called Session of the Thirty-fifth Legislature adjourned without day.

APPENDIX.

(The answer of Governor Ferguson to the Articles of Impeachment as presented by the Board of Managers from the House will be found in the Journal of September 3, on page 17 of the Third Called Session.)